

Kyle Fenner

From: Prince - DNR, Nancy <nancy.prince@state.co.us>
Sent: Monday, November 04, 2013 1:28 PM
To: Kyle Fenner
Subject: Re: Great input! Thank you!

Kyle,

Item #2, Town of Frederick v. North American Res. Co., 2002 is the citation. I just sent you 2 emails, one a pdf of the case, and the other is the letter that Jake wrote to Richard Miller Jan. 24, 2012 where he cited the case. I think Jake still sees some of the same questions...

Just left you a voice mail - I'd like to chat about #1 and #2.

Nancy Prince

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On Mon, Nov 4, 2013 at 10:51 AM, Kyle Fenner <Kyle.Fenner@elbertcounty-co.gov> wrote:

Hi Nancy,

I have incorporated all the suggestions you and Jake made for the amendment to our zoning regulations. I appreciate it a great deal. I have a few questions.

1. Setbacks: Shall comply with state standards in the regs. I included a statement like "if they are less than 1000 feet impacts shall be mitigated in the MOU. In the Special Use by Review (SUR) process they would ONLY be the state setbacks. So they can agree to mitigation and greater setbacks in the MOU OR they can go with the SUR process.
2. I found nothing on Town of Frederick vs. NARO.
3. We are planning to require a Road and Bridge Agreement and might also follow that same process with a Safety and Emergency Response Agreement. If the elements in these two agreements are easily quantifiable and easy to document/observe, can they too become part of the 2A application and inspection process and be enforced by the state?

Thanks lady!



Kyle Fenner

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